Mr. Hedrick Smith
New York Times
1920 L St., NW
Wash ngton, D.C. 20036

Dear Mr. Smith,

If I am able to do it I plan to have a Washington press conference as soon as possible after Labor Day, when depending on when my lawyer is free after his return, to disclose what I regard as significant new information about the JFK assassination and the FBI's investigation of it. Meaning non-investigation.

This information is in the form of an affidavit my lawyer will be using in the oldest of all FOIA cases, the one over which Congress amended the investigatory files exemption in 1974. For a couple of weeks we will not know exactly how he plans to use it and the 82 exhibts almost all of which were once suppressed official records.

In the past 10 months I've had three arterial operations and I'm somewhat limited in what I can do. I can't drive to Washington, although I can ride there. So I can't make and take copies to reporters. However, I can make them available on a hold basis, until the press conference, to be fair to all. And I can and will take the time for explanatoons to non-subject experts.

There has been destruction of evidence. Where there has been any explanation the Government has been careful to avoid any attestation and all the explanations lack any credibility at all. This suit is for the results of tests of non-secret nature. In one case, incredibly, the FBI claims to have destroyed the basic record. In another it claimed first that it did not make the test and then, this June, when I deposed the Lab agent/expert, it claimed it provided the report when, transparently, it provided and entirely different communication.

The destroyed record referred to above is the plate made in the spectrographic examination of the curbstone hit by an admitted missed bullet. That hole was patched, and outside this litigation I obtained the FBI's acknowledgement of this that it withheld from the Warren Commission. The patching was before the FBI dug it up. I also have the withheld pages of the examiner's report, not given to the Commission, where he admits that what by then was only a smear" could have come from an object like an automobile wheel weight. Knowing that this evidence was altered, the FBI avoided any problems with any conspiracy investigation by ignoring and withholding that fact, now incontrovertible.

Other destroyed evidence is the specimens of ballistics evidence submitted to neutron activation analysis (NAA). It now, not under oath, claims they were destroyed as what they were NOT, "radioactive waste." The amount of radiation to which these minuscule specimens were subjected is not only negligible - it is designed for rapid decay, which is measured in NAA testing.

The examination over which they lied and gave me another communication was asked

for by the liaison agent, who was a firearms expert. We got the hair and fibers people to study the President's shirt because, if you see it, it is obvious that the slits in the collar through which a bullet is claimed to have exited do not coincide. The official explanation merely lied about the evidence it had, that those slits were made by a scalpel, and the FBI made this possible by suppressing the results of the test. We have the liaison agent testifying on deposition that he did ask for the test by an agent he identified and stating also that a written report was filed.

So, although there is no FOIA provision for it, I'll be asking that these two tests be duplicated and that the results be made public. Of course they'll carry on because they know full well that if the press sees that the official story of the assassination is false, as the shirt alone will leave without any doubt, there will be a not inconsiderable commotion.

This is one of the things for which my lawyer requires some time, figuring out how to go about what is not provided for by the law.

We got a other Lab agent to admit that the FBI never made the kind of spectrographic examination required to show common origin, as it represented about the JFK ballistics-related specimens: the bullet, fragments, etc. It made only qualitative examinations, which merely identifies the composition of the substances tested. It did not make the quantitative testing, which is required to show whether or not specimens had common origin. The qualitative testing was, in most instances, meaningless because it was not necessary to test what was known to be bullet metal merely to prove it was bullet metal.

There is much more, including one of the records in which they connived to "stop" me, their first-amendment dedication word. They actually planned to have another Lab agent file a phoney libel suit against me. They did all the legal research, paid for by tax money, to be able to tell Hoover that he could sue. They chickened out in the end because my writing was accurate and they were not about to test it in court. I believe the concoction was really intended to con Hoover.

Reminder: the Commission's report is based on three shots and no more, one missing, one causing all seven non-fatal wounds on both men and one killing JFK. Because nobody was ever able to duplicate the shooting attributed to the duffer Oswald and because nobody was able to duplicate the penetrating power attributed to his out-of-date bullets, Hoover decided to memory-hole the missed bullet and to make a non-person of the man slightly wounded by it. He apparently believe this meant less weight for those three bullets to bear. The test to which I refer establish the need for more bullets to account for the known damages. In fact I now have, from other litigation, FBI records relating to other shooting. There were at least four other shots investigated, results withheld.

Some of the deliberate non-investigations are pretty brazen, but they did get away with it. Even when in 1975 it require conning Clarence Kelley.

A Dallas agent had to file a report on something he had been told by a Dallas police lieutenant. This included that none of the motorcycle escort had been interviewed by the FBI about the assassination. So immediately the motorcycle cop referred to was interviewed, and he added to his personal observation of what destroyed the official solution the fact that the cop next to him - and these were the two closest to JFK - had made and preserved contemporaneous notes. The FBI decided to interview this second cop, just so it could not be claimed they were not thorough!, and they managed to avoid getting a copy of his notes or to mention their content. I have and attach his report. He confirms Governor Connally and his wife, saying that he was looking at Connally and saw the second shot hit him. That, naturally, destroys the Commission's report. Continuing to ignore 16 other cops, of course, does not indicate any lack of thoroughness. I don't know what these 16 would say but the other one of the two mentioned above says he saw JFK hit from the front when he was only 4 to 6 feet away. This also refutes the official story.

Another exhibit, of which I also have the holographic drafts, is Katzenbach's memo to the White House a couple of days after the crime in which he says it is necessary to convince all that there was a lone nut assassin. That night he told the FBI that whether or not Oswald could have done the shooting is "minutia" that no report could encompass. This was before the Commission was appointed.

I think there is news in this kind of new information and I would like reporters to have time to go over the materials rather than be restricted to what I can say and they can ask at a press conference. Until the conference it can be examined here and we can make copies of anything desired.

Sincerely,

Harold Weisberg